

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**BRUCE HARRIS and ROY McCULLUM,
Each Individually and on Behalf
of All Others Similarly Situated**

PLAINTIFFS

vs. No. 1:22-cv-2530-TWT

**GEORGIA-PACIFIC WOOD PRODUCTS
LLC and GEORGIA-PACIFIC CONSUMER
OPERATIONS LLC**

DEFENDANTS

PLAINTIFF'S MOTION FOR RULE 23 CLASS CERTIFICATION

Plaintiff Bruce Harris (“Plaintiff”), individually and on behalf of all others similarly situated, by and through undersigned counsel, and for his Motion for Rule 23 Class Certification, states and alleges as follows:

1. Plaintiff worked as an hourly employee for Defendants Georgia-Pacific Wood Products LLC and Georgia-Pacific Consumer Operations LLC (collectively “Defendant” or “Defendants”).
2. Plaintiffs Bruce Harris and Roy McCullum brought this suit, each individually and on behalf of all other all former and current hourly-paid employees employed by Defendants, who are similarly situated, to recover unpaid overtime wages, liquidated damages, prejudgment interest, costs, and attorneys’

fees pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”) and the Arkansas Minimum Wage Act, Ark. Code Ann. § 11-4-201, *et seq.* (“AMWA”). *See* ECF No. 1.

3. Plaintiff brings this Motion for Rule 23 Class Certification (“Motion”) based upon Fed. R. Civ. Pro. 23.

4. Rule 23 of the Federal Rules of Civil Procedure affords Plaintiff the right to have an opt-out class established for the claims arising under the AMWA. Class certification under Rule 23 is an appropriate mechanism for litigating claims under the AMWA.

5. In this Motion, Plaintiff asks this Court to conditionally certify a Rule 23 Class with the following definition:

All hourly employees who worked for Georgia-Pacific Wood Products LLC and Georgia-Pacific Consumer Operations LLC in Arkansas since June 24, 2019.

6. Plaintiff requests that this Court designate Bruce Harris as class representative.

7. Plaintiff requests that this Court appoint attorney Josh Sanford and Sanford Law Firm, PLLC, as class counsel to represent them in this case pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, as supported by the Declaration of Attorney Josh Sanford, attached hereto as Exhibit 1 and

incorporated herein by reference.

8. Plaintiff requests that the Court approve Plaintiff's proposed Notice, attached hereto as Exhibit 2 and incorporated herein by reference, and order that the same be sent to all Unnamed Class Members who fall within the class definition.

9. Plaintiff also requests that the Court grant his counsel a period of twenty-one (21) days—beginning on the date on which Defendants fully and completely release the Unnamed Class Members' contact information to Plaintiff's counsel—during which to distribute the Notice and receive opt-out requests.

10. To facilitate the sending of the Notice (Exhibit. 2), Plaintiff also respectfully asks this Court to enter an Order directing Defendants to provide the names, and last known home addresses, and email addresses of class members in an electronically manipulatable format no later than two (2) weeks after the date of the entry of the Order. Plaintiff also asks the Court to order Defendants to provide the dates of birth and partial social security numbers for any class members whose mailed notice is returned by the post office.

11. In support of his Motion, Plaintiff files herewith and incorporates herein the following exhibits:

- 1) Declaration of Attorney Josh Sanford;
- 2) Proposed Class Action Notice;

- 3) Declaration of Bruce Harris; and
- 4) Declaration of Rochelle Lawson.

12. Plaintiff concurrently files a Brief in Support of this Motion and fully incorporate the Brief in Support into this Motion by reference.

WHEREFORE, premises considered, Plaintiff Bruce Harris, individually and on behalf of all others similarly situated, prays that the Court certify the class as defined in this Motion pursuant to Rule 23 of the Federal Rules of Civil Procedure; that the Court designate named Plaintiff Bruce Harris as class representative; that the Court appoint attorney Josh Sanford and Sanford Law Firm, PLLC, as class counsel; that the Court approve Plaintiff's proposed Notice and require Defendants to disclose the requested contact information for all proposed class members as stated in this Motion; that the Court grant Plaintiff a period of twenty-one days in which to distribute the Notice; and for all other good and proper relief.

Respectfully submitted,

**BRUCE HARRIS and ROY
McCULLUM, Each Individually
and on Behalf of All Others
Similarly Situated, PLAINTIFFS**

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LEAD COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Josh Sanford, hereby certify that on the date imprinted by the CM/ECF system, a true and correct copy of the foregoing document was electronically filed via the CM/ECF system, which will provide notice to the following attorneys of record:

A. Craig Cleland, Esq.

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/s/ Josh Sanford

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